

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
12 MAY 11 AM 9:36

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

ALL METAL SALES, INC.,

Plaintiff,

v.

ALL METAL SOURCE, LLC

Defendant.

CASE NO. 1:10 CV 2343

JUDGE DONALD C. NUGENT

DEFENDANT's REQUEST
FOR COURTS TO EDIT
CLERICAL AND / OR
TYPOGRAPHICAL PARTY
REFERENCE ERRORS ON
JUDGE's MEMORANDUM
OPINION AND ORDER
DOCUMENT #74

It has come to the Defendant's attention that there are a total of four (4) clerical and / or typographical party reference errors made on Judge's Memorandum Opinion and Order (ECF #74), in response to Plaintiff's Renewed Motion for Judgment as a Matter of Law or, for a New Trial (ECF #71). Defendant requests that the Courts review and make revisions, accordingly, upon Courts mutual agreement with Defendant's reasoning and purpose for such an unusual request.

Plaintiff's Renewed Motion for Judgment as a Matter of Law or, for a New Trial (ECF #71) is to be used by the Courts as its main reference to confirm findings, to then properly address parties in the lawsuit when editing Judge's Memorandum Opinion and Order (ECF #74). Two (2) errors on Page 4 (ECF #74) and two (2) errors on Page 7 (ECF #74) which have to do with incorrect party references, are noted below; including Defendant's requested revisions for Courts to make :

Incorrect References in the first paragraph on Page 4 from Judge's Memorandum Opinion and Order (ECF #74) currently, incorrectly states :

"...and (3) that Plaintiff's use of "A Metal Source, LLC" as its second business name infringed Defendant's ALL METAL..."

Correct References from Judge's Memorandum Opinion and Order (ECF #74) should actually state :

"...and (3) that ~~Defendant's~~ Plaintiff's use of "A Metal Source, LLC" as its second business name infringed ~~Plaintiff's~~ Defendant's ..."

Incorrect References in Paragraph one (1) of Discussion on Page 7 from Judge's Memorandum Opinion and Order (ECF #74) currently, incorrectly states :

"The basis of Defendant's motion is that the twelve member jury erred in answering all ten interrogatories..... Further, Defendant introduced witnesses and documents which supported her position on those questions."

Correct References from Judge's Memorandum Opinion and Order (ECF #74) should actually state :

"The basis of ~~Plaintiff's~~ Defendant's motion is that the twelve member jury erred in answering all ten interrogatories Further, Defendant introduced witnesses and documents which supported ~~Defendant's~~ her position on those questions."

CONCLUSION

For the foregoing reasons, the Court should grant Defendant's motion for Courts to revise incorrect statements made from clerical and / or typographical party reference errors made on Judge's Memorandum Opinion and Order (ECF #74) to correspond and reflect the correct information from evidence, witness statements and official Court records, as recorded and documented by the Courts.

Dated: May 11, 2012

Respectfully Submitted,

s/ Jessica Esparza

Jessica Esparza

Authorized Agent for *A METAL SOURCE, LLC*
f/k/a *All Metal Source, LLC*

A METAL SOURCE, LLC

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Certificate of Service

I hereby certify that on May 11, 2012, a copy of the foregoing Defendant's Request for Courts to edit clerical and / or typographical reference errors made on Judge's Memorandum Opinion and Order (ECF #74), with documents in support, was filed in person. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, and parties may access this filing through the Court's system.

Respectfully Submitted,

s/ Jessica Esparza

Jessica Esparza
Authorized Agent for *A Metal Source, LLC*
f/k/a *All Metal Source, LLC*